

## REMARKS

### ON AMENDMENTS TO THE SPECIFICATION

Specification paragraphs **0001**, **0003** and **0005** were altered to reference issued patents resultant from applications, this change is made for the convenience of the casual reader of the patent should it issue. Specification paragraphs **0008**, **0016**, **0024**, **0041** and **0080** were changed to improve grammar and readability. Specification paragraphs **0026** and **0070** were changed to eliminate references to paragraph numbers as they are not reproduced in the printed patent. Specification paragraph **0114** changes an example of the applied invention as it aids in understanding; the change is fully consistent and directly supported by paragraph **0100** teachings.

No new matter is introduced with any specification change. These changes, although minor, will improve the general decorum of the resultant patent, should it issue.

### ON THE CLAIMS

Claims were previously amended in two submittals dated July 5, 2005 and September 8, 2005. These amendments, their associated REMARKS, and a Terminal Disclaimer to Lang '994 addressed all issues raised by the PTO with the exception of a Terminal Disclaimer applicable to Claims 1-4 and 23-43 of the September 8, 2005 submittal regards double patenting. To address this double patenting issue, a second Terminal Disclaimer has been filed with this submittal.

No claim has been amended, deleted nor added in this submittal.

In summary, claims 1-76 are pending. In the Final Office Action, mailed from the PTO on October 3, 2005, claims 5-22 and 47-76 are allowed. Claims 1-4 and 23-43 are rejected, while claims 44-46 are objected to as being dependent upon a rejected base claim.

References: Lang, US Patent 6,651,035, hereinafter termed Lang '035.

Lang, US Patent 6,522,994, hereinafter termed Lang '994.

Nevruz, US Patent 5,847,266, hereinafter termed Nevruz.

### **Claims 1-4, 23-43, and 44-46:**

Final Office Action indicated that claims 1-4 and 23-43 are rejected under double patenting as being unpatentable over claims 1-4 and 23-43 of Lang '035 in view of Nevruz. To address the double patenting issue, a Terminal Disclaimer has been filed with this document relative to Lang

'035. Although the September 8, 2005 submittal stated this Terminal Disclaimer was enclosed, indeed, by unintentional mistake, it was left out.

Claims 44 and 46 are dependent on claim 42. Claim 45 is dependent on claim 43. Claims 42 and 43 are based on the independent claim 41 (now allowable under the Terminal Disclaimer).

**Claim 49:**

Final Office Action on Page 1 indicated that claim 49 was allowed. However, on Page 3, Item 4, claim 49 was listed with claims 44-46 as being objected to as dependent upon a rejected base (i.e., double patenting). This is taken as a typographical mistake as was confirmed in a telephone conversation with the Examiner on October 5, 2005 ( $\approx$  6:00 am PST). Claim 49 was allowed on Page 3, Item 5; it is dependent on claim 48 and in turn on the independent claim 47. Claims 47 and 48 are individually discussed as allowable on Pages 1, 3, 5 and 6 of the Final Office Action.

**In Conclusion**

This submittal will satisfy all objections raised by the PTO and should now allow Application 10/715,319 to issue.

This document is respectfully submitted by the *pro se* Applicant, Fred D. Lang, and the Assignee, Exergetic Systems, LLC as represented by the *pro se* Applicant, Fred D. Lang, he being the President of Exergetic Systems, LLC. Thank you for considering this submittal.

Sincerely,



Fred D. Lang,

*pro se* Applicant, and Inventor  
of Application 10/715,319.

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